

***United States Court of Appeals
for the Second Circuit***



EXHIBITS

No. 76-1140

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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P/s

UNITED STATES OF AMERICA

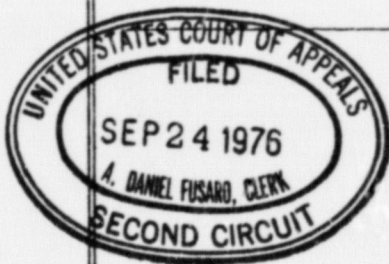
VS.

DAVID N. BUBAR, ET AL

AN APPEAL FROM THE JUDGMENT OF THE UNITED STATES
DISTRICT COURT FOR THE DISTRICT OF CONNECTICUT

SUPPLEMENTAL EXHIBITS OF DEFENDANT-APPELLANT

DAVID N. BUBAR



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NOTE: This volume is filed in quadruplicate (with a copy to the United States Attorney) at the suggestion of the Clerk's office, and in lieu of submission of defendant's Motion to Supplement Record dated September 7, 1976.

I.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

----- -X

UNITED STATES OF AMERICA,

vs.

CHARLES D. MCELLER, et al.,

Defendants.

----- -X

Criminal N-75-59

New Haven, Connecticut
January 8, 1976

B e f o r e:

Hon. JON O. NEWMAN, U.S.D.J.

SUMMATION OF: RUDOLPH LION ZALOWITZ

1 THE COURT: Are you ready?

2 MR. ZALOWITZ: I said I would be, your Honor, and
3 by the Master's grace, I'm here.

4 (Jury entered courtroom.)

5 THE COURT: All right, Mr. Zalowitz.

6 MR. ZALOWITZ: Your Honor, ladies and gentlemen of
7 the jury, my confrere counsel, I stand here with humility,
8 dignity, before the most honored assemblage of men and women:
9 the jury.

10 In this case, I stand here with respect, but not to
11 curry favor or sympathy from anyone, for what I have to say
12 comes from my heart. What I have to say, I believe, is the
13 truth, as best as I know it to be.

14 We have spent time here before a most honored jurist,
15 Jon O. Newman, for a number of weeks, and, yea, even a number of
16 months. Much has been spoken, thousands of words have been
17 uttered, charges have been made, perhaps hundreds and thousands
18 of pages have been transcribed, all in the effort to seek the
19 truth.

20 And I am standing here in the same regard, in an effort
21 to seek the truth, not in my name, but in God's name.

22 Reverend David Bubar has been charged by an indictment.
23 Please bear in mind, the Court will, no doubt, instruct you,
24 for it is his province, his realm, and his respected duty, with
25 respect to the meaning and the significance of the word

3
1 "indictment".

2 So, therefore, in the interests of and with the
3 knowledge that the Court will so instruct you, I will make no
4 further reference to the meaning of "indictment".

5 You will, no doubt, recognize that through this entire
6 period Reverend David Noble Bubar and I have stood separate and
7 apart as we do now even at counsel table. But, yea, he and I
8 have both stood here alone. We stood here. We have stood here
9 to meet our obligations that the good heavenly Father wills.

10 We stood here, and we're being tried by the United
11 States Government in the District Court of Connecticut.

12 It is with respect that I say that the United States
13 Government is represented by eminent counsel: Peter C. Dorsey,
14 Mr. Clark and Mr. Dow. Very qualified men. And, I believe,
15 dedicated men.

16 We stand here charged with -- as if we were already
17 condemned, and, yet, God will not allow a decree of condemnation
18 to go unchallenged.

19 Now, when I say the Lord God, I mean the Supreme
20 Power, Jesus of Nazareth, and all of the disciples here on Earth
21 are here for the one purpose, to spread the truth.

22 It is with a heavy heart that I stand here, and, yet,
23 I stand here with no fear. For the Master said, "Never fear,
24 never be in anxiety, for I am at all times with you." This is
25 the feeling that Reverend Bubar and I have had all the way

1 through up to this moment and, yea, beyond this moment. And
2 we shall continue to have that feeling until eternity.

3 We stand here without fear. We have not buckled.
4 We have not bowed to anyone. We stand on our feet as the Master
5 directs me and Reverend Bubar to stand. And I stand here on
6 behalf of Reverend Bubar.

7 Now, it is common knowledge that we may not recognize
8 the significance of gold or diamonds until we brush away any
9 earth or soil of earth of contamination from either gold or
10 diamonds.

11 Now, we are standing here, and there are a number of
12 counts, of which the learned Court will instruct you from. As
13 to the number of counts, I leave it within the province of the
14 Court.

15 Let me, and for Reverend Bubar, say that at this
16 moment we acknowledge one truth, that we are but mortals here
17 on Earth, and that excludes no one, and as mortals, we acknowledge
18 that we have all sinned. We acknowledge that the Saviour came on
19 Earth to absolve those sins and to allow those things to be
20 paid at a price of ransom, which He and He alone was the one who
21 was ransomed, so that all who have sinned could go free, so that
22 we can have a world of peace and blessings.

23 And amongst those blessings, we assert that we will
24 not, nor have we at any time, harmed anyone. We acknowledge,
25 and, yea, we have taken great pains throughout this trial to

1 acknowledge the Supreme Power and the word of God. And please,
2 ladies and gentlemen, remember that that word of God is not to
3 be taken lightly by any person here or anywhere in the world,
4 and that word of God is embodied in the book known as the Bible.

5 You will note that for this long period of time that
6 we were here in this courtroom, that not one witness -- and I
7 emphasize that -- not one witness had the courage to stand up
8 when he was allegedly sworn in as -- which ceremony was conducted
9 by two honored people, Miss Frances Consiglio, Deputy Clerk and
10 Mr. Kevin Rowe -- but at no time did any one of the witnesses
11 refuse to swear or affirm unless their left hand was placed on
12 the Bible, the word of God, and their right hand lifted thusly.

13 But, amazingly, the Master has a way of coming into
14 the light and to distinguish the light from the darkness. He
15 did in the personage of one man, and that one man was J. Bernard
16 Ricks, who had a Bible with him, you will no doubt recall, and
17 said he will tell that which he has to tell on the Bible.

18 No other person has ever done that. The parade -- and
19 I withdraw the word "parade" -- but the group of people who took
20 the stand one by one, took the stand and, yet, I wonder, and I
21 wonder well, how many of these people actually had the faith and
22 truth in God to tell the absolute truth from this witness stand
23 here.

24 Now, we do recall the swearing-in processes, and I
25 might mention that they were, to the best of my recollection,

1 "Do you solemnly swear to the tell the truth, the whole truth
2 and nothing but the truth, so help you God?", and then after the
3 witnesses had either affirmed or said that -- said, "Yes," the
4 next question that was asked in this courtroom is, "What's your
5 name and address?" But the name and address was only a mirage,
6 because the name and address was void of the most important of
7 the swearing services affirming or swearing to a supreme power.
8 There -- for there was not the word of God, which -- there, to
9 place their hand, sincerity and purpose of answering truthfully
10 with the thought of not as to whether there might be -- if they
11 failed to tell the truth -- there may be perjury charged brought
12 against them, but greater than perjury charges is you and I --
13 and we're all mortals, for we know not what the morrow brings --
14 have to acknowledge that we have to meet the Maker and give an
15 accounting of ourselves at an appropriate time when we're
16 called.

17 Ladies and gentlemen, I say to you, and what I say to
18 you may be challenged by all of the other counsel, by the U.S.
19 Attorney, and I understand by whomsoever desires to challenge
20 these statements, but I'm asking the question: to whom did each
21 one of these witnesses swear or affirm, and who did they identify
22 as God? Was it a table? Was it a chair? Was it a microphone?
23 Was it a tape recorder? Was it the Spirit of God in this court-
24 room?

25 And I am significantly proud to say that God in his

1 own mysterious way arrived in this courtroom before the end of
2 the case of the witness who took the stand.

3 You will note that Reverend Bubar was the first
4 defendant -- case to be presented and, yet, as is recited in the
5 Book -- and there's only one book of truth, from Alpha to Omega
6 -- Reverend Bubar's witnesses were the last to testify before
7 your august body of ladies and gentlemen.

8 Now, I am saying, and I am saying this well, that our
9 entire nation, our government, our judiciary, is all founded
10 under the Spirit of God. I trust God shall never be excluded
11 from our system of government, of democracy, as is self-evident
12 in other nations throughout the world.

13 I challenge anyone here to contradict that each of the
14 forefathers who were the forefathers of this nation, the
15 Presidents of the United States, or the United States Chief
16 Justices of the Supreme Court, or the legislators, have ever
17 refused to place their hand on a Bible, and either to affirm or
18 to swear in the acknowledgement of God. And I don't think I'll
19 ever find one person, no matter how much research they do, that
20 can say that there is.

21 But I want to tell you, please, and I tell it to you,
22 suggestedly, that without that protection of God and the
23 invocation of His name in this courtroom -- and we are facing,
24 and we are in the year 1776, which is the bicentennial, the
25 200th year of our nation -- that our nation, unless we do come

1 with a resurgence to acknowledge God, may not be, and may not
2 be able to last another 50 years.

3 This one man who apparently created a furor, when a
4 question was asked, and everyone here participated, as if this
5 was a humorous incident. Everyone, I might say, perhaps with
6 the exclusion of the honored Court, the exclusion of myself and
7 some of you ladies and gentlemen who understood that this man
8 took the stand not only was considered, and is considered
9 prophetic, but he is also a religious person, and he said he
10 would tell the truth. He did tell the truth, and he had around
11 him the Mantle of God to protect his proclamation of the truth.
12 That man was J. Bernard Ricks.

13 Reverend Bubar is going through perhaps one of the
14 most unique, excruciating experiences that any member of the
15 clergy has gone through since the infamous days of the
16 Crucifixion of Christ. And, yet, he is walking the same road.

17 Reverend Bubar, you will note, for his truth has not
18 taken the stand. Reverend Bubar, on the other hand, is an
19 ordained minister of the gospel, and there have been valid
20 accreditations of his ordination and consecration to God, which
21 will be furnished to you as full exhibits that were approved and
22 permitted by the honorable Court.

23 But in addition thereto, Reverend Bubar is the founder
24 of his own church, the First Century Christian Fellowship Church
25 of Memphis, Tennessee. And, yea, what else is he? Reverend Bubar

1 is a spiritual soul. He is not a carnal Christian, as those who
2 understand, recognize, but he is a spiritual Christian. And
3 because he is a spiritual Christian and dedicated to God, he
4 did formulate the Spiritual Outreach Society known as SOS, which
5 is listed in the phone books of Memphis, Tennessee, to help all
6 those who have any position where they need spiritual or
7 religious guidance or help, and that documentation will also be
8 furnished to you as a full exhibit.

9 You will note that there's never been one word of testi-
10 mony to the effect that Reverend Bubar asked for or received or
11 demanded the payment of any moneys, not even one cent, for his
12 work as a dedicated true disciple of the Master.

13 Now, now, and note well, please, we have had listed
14 here approximately four hundred and some witnesses that were
15 originally furnished to us by the United States Attorney's office
16 as prospective witnesses in this case, which included also a
17 great amount and number of special FBI agents.

18 Now, you can believe, for it is proper to evaluate,
19 that if what I tell you was not true, that statement would have
20 been brought forth to this jury, for they went to great lengths
21 in order to establish their position.

22 I have said, I repeat, and I challenge the United
23 States Attorney and the entire Federal Bureau of Investigation
24 and other powerful governmental agencies, to come forward, if
25 they can contradict what I just have uttered to you. Reverend

1 Bubar is a poor, yet humble man. He is not wealthy. He's not
2 here to seek glory, nor is he here to ask for your mercy. He
3 asks for one thing: for you to understand that with the faith
4 that he has in God, to understand his views with respect to
5 serving God.

6 Yes, it is true, he has been accused. Yes, it is true
7 that he has been here, and with great attendance and daily, to
8 represent his position. But remember that the grand jury who
9 indicted Reverend Bubar only heard one side of the story, the
10 side in which the United States Government wished to portray,
11 the side that the FBI and other governmental agencies wished to
12 portray; and remember that the awesome power of our government
13 is absolutely incomprehensible.

14 On the grand jury there is no position where an accused
15 can refute or cross examine, nor can his counsel refute or cross
16 examine, because his counsel is excluded from the grand jury
17 proceedings. He cannot cross examine any of the witnesses
18 produced before the grand jury by the United States Attorney's
19 office. So you see, obviously, that this is a one-sided issue,
20 a one-sided affair. As to that, I defer to the instructions
21 of Judge Jon O. Newman, as I said previously.

22 Bear one thought in mind, that it is so easy to put a
23 man -- who cannot defend himself because of his religious
24 convictions, because of his consecration to God and his view to
25 God, and to take the stand under those circumstances would be to

1 be defying and desecrating God. And this Reverend Bubar will not
2 do. Nor has he done. And to do that, to take the stand, would
3 also be blasphemous. And Reverend Bubar confided to me that no
4 matter what occurs in this noble courtroom, which is protected
5 under the flag of the United States -- for the rights have been
6 and will be always protected of every defendant and every accused
7 so long as we have jurists of the tenor, strength and
8 impartiality of Honorable Jon O. Newman.

9 He said that he doesn't stand here in fear. Neither
10 do I. He said he will not tremble for his eyes lift for his
11 refuge and salvation in God and in the Bible, and you will note,
12 ladies and gentlemen, throughout the proceedings, both Reverend
13 Bubar and I have consulted and have read and have been inspired
14 by the Bible.

15 Now, it is true that much testimony has been adduced
16 here by the U. S. Attorney, as I've acknowledged, a very capable,
17 honored gentleman, Mr. Peter Collins Dorsey, but he did in his own
18 dedication as a U. S. Attorney foster accusation after accusation
19 after accusation, even so far as to state at one time that, "I
20 don't believe that Mr. Bubar is a reverend." I'm sure as of this
21 moment he does recognize same.

22 Now, here we have had over the period of weeks and, yea,
23 months, a very fine, consistent array of government witnesses.
24 We have had perhaps the finest performance of testimony adduced
25 by the U. S. Government.

1 Now, I cast no aspersions upon anyone. But I'd like
2 to evaluate. For, if you will recall, yesterday afternoon, Mr.
3 Dorsey in his summation stated to you, ladies and gentlemen, as
4 to the credibility of the witnesses, and it was with great pride
5 that he said it: remember the deportment of John W. Shaw;
6 and if I were a school teacher, I would give him A for deport-
7 ment, but I would not give him A for telling the truth.

8 I want to say this: Mr. Shaw from this witness stand,
9 a well prepared, well coached robot, testified as the government
10 wished him to and, yet, for whose protection and purpose?

11 You will note that each time a question was asked, and
12 I was in full view, Mr. Shaw would move his chair forward, as
13 I'm doing now, answer yes or no, or with very, very limited words,
14 and then sit back, and if we had a rocking chair robot seated
15 here testifying. I want you to consider as to whether this is
16 deportment or whether this is credibility.

17 I don't think so, and I suggest to you, ladies and
18 gentlemen, it is not. I have said that John Shaw could verily
19 be typified as the all-American boy, clean cut, shaven,
20 immaculate, fingers -- nails, manicured, who stood here and sat
21 down and told his story from this witness box and stand, and he
22 defiled God. He told a very lurid story. He told a story as if
23 he were an automate, as if any time the U. S. Attorney or any
24 of the men affiliated with the U. S. Attorney's office pressed
25 a button they would know the answer to the question that was

asked. We did not have that availability, and especially the Reverend Bubar didn't, for Reverend Bubar has no funds.

You will note that Reverend Bubar had approximately on this stand -- approximately sixteen, seventeen or eighteen witnesses that was allowed at government expense by the Honorable Jon O. Newman.

As to other issues, I do not comment on same, for I am constrained and shall not violate my constraint.

Now, I ask you to consider, consider well, before John W. Shaw took the stand, how many dry runs did he have in the offices of either the FBI in Pittsburgh, in New Haven, in the state offices of the state police, as to what his testimony was going to be?

Now, word is that he did respond punctually with slight inconsistencies. But does that mean that he responded with an "in truth"? It is for you to determine.

It becomes difficult for you, ladies and gentlemen, except from what you see on the witness stand, to be able to evaluate into the heart and mind for the truth of any witness who has taken the stand, and especially John W. Shaw.

For you do know that there's been much made here of the word "psychic", "prophecy", "so-called psychic", "so-called minister", every innuendo that bespeaks desecration of Reverend Bubar. And we had to come to great lengths to establish before this Court -- and it wasn't done once, it was done more than once,

1 prior to the commencement of the previous position -- was done
2 prior to the commencement of this trial before you ladies and
3 gentlemen.

4 And, yet, as honored and fine U. S. Attorney dared
5 to say -- and I repeat it -- dared to say and questioned the
6 ordination of Reverend Bubar.

7 Now, you heard testimony of the fact that John W. Shaw
8 did in his presentation, and was, in the preparation of this
9 presentation before you ladies and gentlemen, that he was examined,
10 cross examined, triple examined, fine comb examined by many
11 members of the investigation and of the FBI.

12 I cast no aspersions upon the FBI, for I believe they
13 are dedicated servants of the government and, therefore,
14 allegedly servants of us, the public. So I make no unjust
15 accusation or evaluation.

16 But do you remember that at one stage -- and I think
17 it was at the time that I cross examined Mr. Shaw, as to any
18 other activities that he had, as to whether at any time, in
19 Pittsburgh or otherwise, before he came forward to ask to speak
20 to U. S. Attorney Dorsey, for he wanted to unburden his soul.

21 Ladies and gentlemen, do you really think he wanted to
22 unburden his soul, or do you believe, as I do, that he wanted
23 to make a plea bargaining deal that no one could refuse, not
24 even the U. S. Attorney Dorsey?

25 Now, what is the background of John W. Shaw? He is

1 the main prosecution witness. Around him revolves the accusa-
2 tions. Is he as pure as he wants you to believe?

3 Now, sure, yesterday, Mr. Dorsey in his presentation
4 said, "Well, you know, he's -- he was a coconspirator."
5 Wonderful. But what did John W. Shaw have to gain by taking
6 the stand except a position of advantage, unmerited, to save
7 himself. He no doubt would have -- and I say this -- would have
8 sworn on -- and without a Bible, as he didn't have a Bible here --
9 he would have sworn and accused even his mother or father of
10 an implication of anything if he could but save himself, and
11 this is the fiber of witness who has taken the stand to accuse
12 Reverend David Bubar.

13 I am saying that no matter how well rehearsed -- and I
14 must concede that it was perhaps the most amazing rehearsal, as
15 I envisioned it to be, that any government could utilize to
16 accuse innocent people.

17 Now, it is easy, as Mr. Dorsey wished to infer, that
18 each one of his statements he did not back off, except with
19 slight inconsistencies, that Mr. Dorsey wanted to bring forth
20 to you that one and one makes two.

21 But there's many, many different ways to come to the
22 two. One and one surely makes two, but three minus the deletion
23 of God could also make two. Think about it.

24 I am saying that because John W. Shaw recognized his
25 position, never as a man who comes here for the first time and

1 says, "Yes, I was involved." But, ladies and gentlemen, John W.
2 Shaw has a pattern, a pattern that we of the government, we of
3 our nation, through our respective, honored governmental adherence
4 and offices, saw fit to take this very, very pure man, John W.
5 Shaw, who never was involved in anything before, and say, "Take
6 the stand and we'll protect you."

7 I ask you, ladies and gentlemen, if you could get that
8 red carpet treatment in the same position? But, you see, the
9 government was hard pressed, exceedingly hard pressed, to be
10 able to find one or othersto place blame on. And they saw a
11 man who would sell away his soul, and he has, in this courtroom
12 -- sell away his soul and sell away his fear of God, just to be
13 able to curry favor, and you note at the very beginning here today
14 I said Reverend Bubar and I both refuse to curry favor from
15 mortals.

16 And I say further we refuse to bow our knee to any
17 mortal, but to the Master above us, for to him we are dedicated.

18 Now, John Shaw, pure, wants to be able to make amends,
19 and the government, in its desire to gain convictions, truly sold
20 away -- as Jacob and Esau -- sold away the birthright of America,
21 for some purpose. And the purpose is -- and the birthright was
22 the birthright that belonged to one and was sold away to another
23 under deception.

24 Now, I assert that there's deception here today. I am
25 saying that -- whether you ladies and gentlemen are aware -- that

1 there was a plea bargaining arrangement. As to the complete
2 details of that plea bargaining arrangement, I may be constrained
3 to go into it full detail. So, therefore, it is with caution that
4 I'm speaking of this subject.

5 Amongst the plea bargaining arrangement, I might add --
6 for it was brought in by my cross examination and, therefore, is
7 evidence before you ladies and gentlemen -- is that John W. Shaw
8 admitted on this stand that he did and he was one of the major
9 persons who set a fire in Pittsburgh, Pennsylvania, and he said
10 that he made it appear as if it were an accident. An accident.

11 Ladies and gentlemen, I don't know if you're aware of
12 this, but this particular fire in Pittsburgh was within 50 feet
13 of a church and a minister's home, St. Michael the Angel's,
14 in Pittsburgh, Pennsylvania.

15 Now, just consider well. He said that he made it appear
16 as if it was an accident. But, ladies and gentlemen, I ask you
17 within your reasoning and the full utilization of your
18 intellect, as I know you will, whether you can plea bargain
19 away a crime if the fire department of Pittsburgh, Pennsylvania,
20 if the police department of Pittsburgh, Pennsylvania has no
21 knowledge of you ever being a suspect? I challenge it. And I
22 challenge it openly here, and I am saying that this plea bargain-
23 ing arrangement included bargaining away something that no one
24 has never known, yea, even up to the time that I asserted it here.

25 I say this is a defilement of our processes. I say it

1 is a defilement of our justice. But it did happen.

2 I am asking you: did John W. Shaw come forth with a
3 spirit of being contrite, remorseful, or did he come forth to
4 testify here with a spirit of, quote, "I'm going to endeavor" --
5 and that quotation, by the way, ladies and gentlemen, is not the
6 quotation of John W. Shaw, it's a paraphrasing by myself --
7 that I -- and I withdraw the word "quote" -- but did he come here
8 only in his endeavor to save himself caring not who and which
9 personages, innocent, he could accuse?

10 For I assure you that if it had been that in order to
11 make this plea bargaining arrangement, he might have done it to
12 anyone. And I am not pointing to anyone. But he might have done
13 it. And I think, in fact, this is what motivated him. Because,
14 if you will recall, at one stage he said, "I don't care what my
15 attorney has to say, I want to speak to the U. S. Attorney
16 Dorsey." And, you know, he did.

17 Now, the U. S. Attorney Dorsey, to me, is a honored man,
18 and, to me, he's a man of obligation, and I say it with respect,
19 but, nevertheless, John W. Shaw, the alleged pure one, even
20 endeavored to and did put the U. S. Attorney's office into the
21 veritable truth of partaking in this plea bargaining arrangement.

22 Shall we break now, your Honor?

23 THE COURT: We'll go to the half way point.

24 MR. ZALOWITZ: How much time, sir?

25 THE COURT: Quarter to two.

1 MR. ZALOWITZ: Quarter to two. Thank you, your Honor.

2 Instead of being a pure witness, he was an adulterated
3 witness. Instead of being unadulterated, without any venom or
4 poison in him, or contamination in him, he wasn't, he was the
5 opposite. He was contaminated, ladies and gentlemen, by
6 Lucifer, the alleged Prince of Light who blocks out all the light
7 so as to do that which he wishes to do in the darkness, while he
8 is the Prince on Earth.

9 Now, ladies and gentlemen, remember this, and I am sure
10 you do, as those of you who are -- as I believe, those who
11 understand, those who read and those who are knowledgeable --
12 and I assert that you all are -- that the same very thing that
13 was accomplished with John W. Shaw and the plea bargaining
14 arrangement that was effectuated through the U. S. Attorney's
15 office was the same type of position that was attempted three
16 times on Jesus of Nazarene.

17 And, if you will recall, the only one who had the
18 courage in this world was Jesus, who said to Satan, "Get in back
19 of me, Satan," all others succumbed. I think it's something
20 to think about.

21 And that's why Reverend Bubar and I are standing here
22 and we say we have no fear, we have no anxiety, so long as we
23 endeavor to serve God in truth and wisdom.

24 Now, it is simple for man to play with the lives of
25 others. That man who made the play was John W. Shaw.

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1 But Reverend Bubar and I stand and looked for the
2 help, not just for mortals, but we look for the help, from the
3 hills from when it comes, the true help.

4 We're saying that in the presentation of, and by, the
5 U. S. Attorney -- and he recognizes it, I'm certain -- that if the
6 testimony of John W. Shaw is not to be believed or is not
7 credible, the government has failed to make their case.

8 And I say failed not by reason of any ineptness on the
9 presentation of the case by the U. S. Attorney's office. They
10 have failed because God will not allow the forces of evil to over-
11 take the forces of good. God will not allow the forces of might
12 to subdue the forces of right.

13 God is the only protector that the innocent have, for
14 we do not have him as a protector and one to whom we shall look
15 for aid from the hills, then to whom shall we ask for aid?
16 There is no other.

17 And when all else fails, everyone seems to turn to God,
18 but that's not the position with Reverend David Bubar. He
19 served God all the time, and will continue to serve the Master.

20 May I, but for a moment, transgress. Here's a book
21 that was introduced as an exhibit for the defendant Reverend
22 Bubar, which he has written with the spirit in him of the
23 heavenly Father. This book personifies Reverend David Noble
24 Bubar, for he is the one whose heart has been spoken here. He
25 is the one who is standing up in God's name.

1 Now, we believe, Reverend Bubar and I both believe,
2 that God will not allow any satanic forces, no matter who presents
3 these forces to overpower the truth or overpower God, or the sort
4 of truth that God uses in this world.

5 Now, ladies and gentlemen, you recall in your youth
6 that when you had to pick a fight with someone, you always pick
7 the fight with one who could not defend. If you wanted to gain
8 an advantage. But if you had the spirit of God in you, you
9 wouldn't do it.

10 Now, take a look what happened here. Full recognition
11 of the fact that Reverend Bubar cannot take the stand for the
12 religious principles which I've enumerated.

13 Reverend Bubar, therefore, is weaker than John Shaw
14 here. John Shaw has the mantle of protection of the government.
15 He's given whatever the government feels is proper, and he is
16 given certain rights, which have been, I believe, enumerated
17 previously. I shall not go into that, either.

18 But, then, again, who do you attack if you have evil
19 motivations? You attack a person who is ill. You attack a
20 person who is old, unprepared, a person who is not capable of
21 defending himself. That's the one you pick on, and that's the
22 one who meets all of the objectives against Reverend Bubar here.

23 So you say, if you are evil motivated, you take a
24 chance. Why not Reverend Bubar? Look at him. If you have --
25 and I am sure you ladies and gentlemen have had all of this

1 opportunity to observe Reverend Bubar. You recognize, I'm
2 certain, that he's a son of Abraham and a son God.

3 There's no guile in him, for if there was any guile
4 in him, the government would have brought it to your attention.
5 There's no hatred in him, for all he has ever endeavored to do
6 in his life was to seek to do good, the very same thing that Jesus
7 sought and paid a price, and the same very thing as other
8 disciples of Jesus has done, and they paid a price. And then
9 you begin to wonder: who pays the price for the evil ones?
10 Those who are innocent.

11 Reverend Bubar, as acknowledged by witnesses who have
12 taken the stand, such as Mr. Charles D. Moeller, and his fine,
13 honored wife, Frances Moeller, told you that they confided and
14 respected and sought spiritual guidance, at all hours of the
15 morning, afternoon, evening, without time limitation to call him
16 whenever they wanted to to seek help.

17 If you will note, at one stage, when it was said from
18 this stand -- that when Charles Moeller said, and he consulted
19 with -- spiritually with Reverend Bubar with regard to his
20 daughter and Reverend Bubar gave him the spiritual aid, gave
21 him the spiritual fortitude and gave him the aid of the Master's
22 spirit on high, then, and about that time, Charles Moeller was
23 led to Christ. And he has, from his testimony, followed that
24 road.

25 Now, what is Reverend Moeller -- what is Reverend

1 Bubar -- and please arise, Reverend Bubar -- what does he
2 personify, except Godliness and one other thing: naivete?
3 And if naivete is a crime, then I wonder how many of us would not
4 be guilty of that crime?

5 The overall truth is that Reverend Bubar has gone forth
6 all of his lifetime to do nothing but help others, not to injure
7 others, not to harm others, and you will note that Mr. Michael
8 Festa when he took the stand and spoke about Southern Supply, and
9 when Mr. Moeller took the stand and spoke about his position in
10 his endeavor to purchase a company in Aurora, Colorado, each
11 one of them were under the true fact that whatever Reverend Bubar
12 was going to get was to go to his doing good for others through
13 his church.

14 And I might add to you his church and his work is the
15 work that a disciple does for all people. No exceptions. You
16 don't have to be affluent to go to Reverend Bubar's house of
17 worship. You don't have to wear any special clothes. You
18 have to go and seek the way of God, the purity. That's the
19 only thing.

20 He has only one purpose, and his purpose is help as
21 many people as you can, because maybe in that way he's opening up
22 the doors for others to follow as disciples of the Saviour.

23 Now, I want to make known to you ladies and gentlemen
24 -- and it's perhaps a revelation, not the same revelation that
25 is recited in the Book of Revelations or St. John, the

1 Apocalypse, or the 27th Book of the New Testament, Chapter 5,
2 Verse 5, but as a revelation, to note, for it is self-evident
3 here that a person without funds in this great democracy is if
4 he were a dead corpse. Think about it.

5 I don't know if you ladies and gentlemen are aware of
6 the fact that a defendant who is penurious, as distinguished from
7 one who's affluent and has moneys, has no problem in bringing in
8 witnesses to testify on his behalf or her behalf in defense of
9 themselves. But God forbid if you are without funds as
10 Reverend Bubar is.

11 The rules provide that you must petition the Court
12 under rule called 17(b) of the Criminal Procedure -- Code -- of
13 the United States Code, wherein it becomes incumbent, as the
14 rules recite, to petition, request the honorable court for his
15 permission as to whom you may have as a defendant's witness.
16 The burden is almost unbelievable.

17 Now, I am saying this with absolute respect to the
18 kindness, to the integrity, to the understanding, to the
19 impartiality of a great jurist, Jon O. Newman, but, nevertheless,
20 that burden is still there and we were faced with that burden.
21 Beyond that, I shall not discuss the subject.

22 You know, when you do not have witnesses -- and the
23 Constitution says, and the Bill of Rights says, and the
24 Declaration of Independence says, and the Fourteenth Amendment of
25 the Constitution says: equality. Equality.

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1 But do you know what that word "equality" means if
2 you are a poor person? It's a mirage. It isn't there.

3 But, however, if we were in the position, Reverend
4 Bubar and I, to be able to have the witnesses which we have
5 requested, and by the direction of the Court, denied, we
6 wouldn't stand here in this position, for we are now -- not
7 now even being supplicant to any power.

8 But what we're saying is this: consider well if you,
9 ladies and gentlemen, were in the position, whether member of
10 the ministry or no, but in the position of not being affluent,
11 but being penurious or without funds -- and I dare say in our
12 America the percentages revolve itself into more or less the
13 latter position that I stated -- how do you think you could
14 stand up and defend against the awesome power of the United
15 States Government?

16 I am saying that which I believe to be the truth. I
17 am saying that no one can by dedication, not even for money,
18 but the addage is that if you do have the opportunity to have
19 your witnesses, your defense will be of significant strength.

20 Now, I am not saying that our defense is anything but
21 with strength, because we stand here with the greatest power of
22 strength in the world, and we care not who contradicts us, the
23 strength and the power of God.

24 Shall we break here, sir?

25 THE COURT: We will take our recess at a quarter to

three.

MR. ZALOWITZ: Yes, your Honor.

I am saying also that Reverend -- that notwithstanding the fact that Reverend Bubar is a poor man financially, he is perhaps the wealthiest man in this nation, for he's a man in faith and belief in God, and we contend that this faith and belief in God will overcome all positions and all challenges. We contend that as we walk through the garden of roses, even the pricks of the rosebuds and the rose stems shall not deter us from going forward, as it did not deter Jesus in Gethsemane, for he walked the very same road as Reverend Bubar is walking here today. And I might add it's a very lonely road.

People have disowned the Reverend Bubar. Yea, people have disowned the Nazarene, too. Yea, even Peter disavowed the Nazarene thrice, and, yet, reverend Bubar is walking this very road. It's a desolate road that seems to go to nowhere, but to the inferno abyss.

But before this will ever happen, as I have maintained through the entire proceedings, God will come into this courtroom and intervene.

And, ladies and gentlemen, it took many, many days for this to happen, but it did happen on January the 6th, 1976, when J. Bernard Ricks took the stand, and walked in, and when he walked in, God walked in with him and Lucifer for the first time was exited out of this courtroom.

1 I am saying that because of the entrance of God, that
2 the Eternal Light is now visible and will not be extinguished by
3 any power or force on Earth.

4 Now, even to those who don't want to believe, and in
5 this great democracy, we have that right to believe or not to
6 believe, the light is there, and God will not allow the darkness
7 to overtake. Well, this is inevitable, and is also inevitable,
8 as the addage goes, before the light arises, the darkest days
9 of your life are at hand.

10 Ladies and gentlemen, the darkest days of the life of
11 Reverend David Noble Bubar has been at hand and is here now.

12 But we have no fear, for now the light has entered.
13 We are not afraid or afeared of anyone, not the U. S. Attorney,
14 not the FBI, not the CIA, not any mortal, for we know we're
15 walking the road, the road and path to truth.

16 However, we have no hatred, either. We have no
17 hatred to John W. Shaw. We only ask for his salvation. Instead
18 of hatred, Reverend Bubar professes love, instead of fear.

19 And if we didn't have love and faith, ladies and
20 gentlemen, Reverend Bubar would not be in this courtroom.
21 Reverend Bubar would have given his life, not to have to endure
22 these many, many months. But you notice he is here. You notice
23 I am here, as directed, and with propriety under the rules of
24 the court structure of this great democracy.

25 Now, one thing we say, and we say it with absolute

1 strength and courage, that God in his miracle and in his not
2 totally understandable ways, or his mysterious ways, always at the
3 right moment -- and if you reflect throughout your life, or
4 your events of your life, he comes to the fore to defend those who
5 are beleaguered when everyone else has walked away. He sends
6 his angels around to insulate against the forces of evil.

7 Ladies and gentlemen, I want to, at the moment, speak
8 concerning a documentation that was offered here as a full exhibit
9 and accepted as such by the Court, Defendant's Exhibit 1177,
10 wherein -- and the exhibit says: Flaming Sword, and with the
11 headmast underneath the word "Flaming Sword", quote, "... with
12 a firm reliance upon the protection of Divine Providence, David
13 N. Bubar, Editor."

14 I will not make any comment because it is an exhibit.
15 Therefore, ladies and gentlemen, it is for you to read,
16 observe --

17 THE COURT: They will have it in the jury room,
18 Mr. Zalowitz.

19 MR. ZALOWITZ: Yes, sir. I shall. As you say, sir.

20 Now, ladies and gentlemen, in my presentation, you
21 heard me refer to the Spiritual Outreach Society -- and there's
22 been many, many words spoken of same -- we have, by the kindness
23 of the Court, in the fashion which I have stated a few moments
24 ago -- were able to bring some of the parishioners -- they were
25 ladies -- to travel from Memphis, Tennessee, here to endeavor to

1 speak of the work that Reverend Bubar does with the Spiritual
2 Outreach Society, and that's reflected in Defendants' Exhibit
3 1174 as to the purposes of the SOS, which means Spiritual
4 Outreach Society.

5 And if I just were to, as I shall, enumerate the
6 significance here as to the purposes I've alluded to, as to the
7 dependence upon God, which is fact, with respect to helping
8 others, with respect to prayer and meditation, with respect
9 to supporting your house of worship, and it's all elucidated
10 in detail on this document, and you will have the benefit of same
11 in the jury room.

12 Now, I did take time to bring into focus -- for there's
13 been much testimony here from the very inception, as if Reverend
14 Bubar was just a so-called reverend. Self-proclaimed reverend.
15 But please remember, ladies and gentlemen, whether you are a
16 self-proclaimed reverend and you have the spirit of God in you,
17 I assert that you, too, are a reverend or reverendess, with
18 respect to the ladies, so long as the spirit of God is with you,
19 and is not to be made mockery of, or cast aspersions as to your
20 dedication to God.

21 Now, ladies and gentlemen, a great projection, and
22 under unusual circumstances, twice in this courtroom, once in
23 your presence and once previously, not in your presence, but,
24 however, with the knowledge of both the U. S. Attorney Dorsey
25 and with the, I presume, understandable position and knowledge

1 of the Honorable John O. Newman, I brought in the ordination
2 of Reverend Bubar.

3 Now, this is a certificate of the ordination, it is a
4 Xerox copy thereof, accepted as a full exhibit, Defendants'
5 Exhibit 1167, which refers to the ordination of Reverend Bubar
6 as a minister in the Stanton Baptist Church in Stanton,
7 Tennessee on the 18th day of June, 1964, and the signatures
8 of the ordaining council are subscribed thereto. This, too, is
9 a full exhibit, and will be offered into the jury room.

10 Amazingly, there were photographs made of this
11 ordination wherein Reverend Bubar was ordained on the date that
12 I set forth, and that is reflected in Defendants' Exhibit 1170 as
13 a full exhibit, wherein Reverend Bubar is holding with respect
14 and pride, as I do here, the Bible, and the speaker is the head
15 of the entire ordaining committee, Robert G. Lee. And that will
16 be offered to you, and if you will note, that Reverend Bubar
17 is the gentleman to the extreme left of this photo.

18 And then -- and then, a photograph marked Defendants'
19 Exhibit 1171, which is a full exhibit, on that same very day,
20 shows the presentation of the Bible to Reverend David Bubar.
21 That, too, will be in your room.

22 Now, you'll note from this photo, because there's
23 been so many photos included in this case as to identification,
24 I want you please to recognize the fact that this is Reverend
25 Bubar back in 1964, and if there are any photos that could

1 contradict it -- for there have been many that have been offered
2 here by the U. S. Government -- I certify that that is the photo
3 of Reverend Bubar.

4 Prior to the entrance into this courtroom of a man with
5 gray hair -- and then again I usurped that the consecration --
6 and it's a photograph, Defendants' Exhibit 1172, it's a full
7 exhibit -- the consecration of Reverend David Bubar with the
8 placing on the head, as is the consecration services of the
9 faith of which Reverend Bubar attends.

10 You note him kneeling, the gentleman in the light --
11 you note him kneeling, the gentleman in the light gray suit with
12 his right foot upward and his left foot there, and that is an
13 exhibit known as Exhibit -- Defendants' Exhibit 1172. And
14 at the same time, on the same subject, the ordination services
15 of David N. Bubar into gospel ministry which was held at the
16 Stanton Baptist Church, June the 18th, 1964, as exhibited by
17 the Defendants' Exhibit 1173, wherein -- and this is significant
18 -- wherein there was a prayer recited, and that prayer
19 epitomizes Reverend Bubar, and I just state it to you. The
20 prayer goes thusly: "A prayer. Lord, lay Thy hand upon this
21 your brother and may Thy spirit fall fresh upon him, cleansing
22 his heart and his life for service, making him holy, Lord, and
23 pure within. Give him compassion and power to follow. Teach
24 him to trust and delight in Thy will, trusting in Thee, Lord, to
25 wait patiently, God of Salvation, teach him to be still.

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1 In Jesus' name, we pray for blessings now. Lay Thy hands upon him
2 as we now bow."

3 And that, too, will be in the jury room.

4 MR. ZALOWITZ: May I ask for the break, sir?

5 THE COURT: All right. The jurors may take their
6 recess now.

7 (Recess taken.)

8 (Jury entered courtroom at 3:10 p.m.)

9 MR. ZALOWITZ: Ladies and gentlemen, there's been much
10 talk, some evidence, of the word of prediction and prophecy with
11 regard to Reverend Bubar. For truly he's the most recognized per-
12 son outside of Charles Moeller here.

13 A significant question comes up in the testimony
14 which I'd like to bring into the position of the analysis of this
15 jury, concerning Reverend Bubar, and there's been much discussion
16 of the words "water treatment".

17 I would like to point out to you, if you will recall --
18 for it is your recollection that counts, not mine, not the U. S.
19 Attorney, nor not even the recollection of the learned jurist
20 that controls, but is your recollection as to the evidence here.
21 If you will recall, there was a gentleman who came forth from
22 Washington, D.C., by the name of Mr. Nixon of a lawfirm in
23 Washington, D.C. I have the firm of Cushman, Darby and Cushman,
24 and you will recall, I'm certain, that the discussior wasn't only
25 the word "water treatment", the words and the discuss... was

1 "water reclamation". Now, there's a vast difference. The same
2 way as we cannot compare two men or two women just being Homo
3 sapiens, or people. We all have our distinguishing characteris-
4 tics and our distinguishing characters, and our distinguishing
5 thought processes.

6 And you will recall, I believe, that Mr. Nixon truly
7 became aware that this was not just a casual water treatment
8 process, of which there probably are many, but the process was
9 a process of water reclamation.

10 Now, there's much talk by Mr. Dorsey with regard to
11 Reverend Bubar and to the fact that he was not an accomplished
12 technician in the process. He even alluded to a fact which is not
13 true, that there was probably larceny or stealing by Reverend Bubar
14 of the process from the company in Aurora.

15 I'm sure that there is common knowledge amongst people
16 of intellect, as this jury is composed of, that some of the
17 greatest inventors in the history of our great nation -- none of
18 them were accomplished technicians. For example, Thomas Alva
19 Edison. He knew nothing about light, any more than I happen to
20 know about audio-vision. Fulton, Marconi, Henry Ford, McCormack
21 of the farm equipment industries, John D. Rockefeller and many
22 others too numerous to even endeavor to mention, because I could
23 probably fill out from now until December, 1976 to enumerate them.
24 Suffice it that I offered to your judgment.

25 Now, you recall on the subject of water reclamation, that

1 I had certain witnesses here by the name of Frank Witek, by the
2 name of Mike Festa, by the name of Tamara Graham, and specifically,
3 and not excluding the others which I just mentioned, Mr. Dorsey
4 seemed to allude that none of these people had any knowledge on
5 water reclamation. But if he were to reflect, as I'm asking
6 this jury to, you'll find that these people were with full
7 knowledge, because they were in the division of research and
8 development.

9 Now, the processes of any invention has to first be
10 formented by an idea of a person. Otherwise, none of us would
11 be seated on this jury with a honored multitude of dress and
12 color, for we'd all be either white, gray, blue, or otherwise,
13 but in the mind of some man or woman, there was the motivation
14 of the thinking processes of improvement of that which is
15 acknowledged to have been here now.

16 Even this mircrophone. For maybe 25 years ago or so,
17 or 30, we had no microphones in the courtroom, and perhaps 40
18 years ago we had no television, and perhaps time before we had
19 no airplanes until Wilbur Wright and Orville Wright of Dayton,
20 Ohio came into the focus and dared to have a dream, an idea,
21 and that dream and idea was not put together by one man, but
22 was put together by men and women who had the technical knowledge
23 to put the jigsaw together.

24 So when Mr. Dorsey says Reverend Bubar had no back-
25 ground and so forth, how does he know what Reverend Bubar has?

1 Did he ever have an interview with Reverend Bubar to ascertain
2 his background? What he has is only what the Federal Bureau of
3 Investigation were able to endeavor to assimilate and assemble as
4 to the background of Reverend Bubar.

5 Now, you recall that the subject is water reclamation,
6 and that is a new subject that our nation is so vitally
7 interested in, in environmental control, and this is a national
8 problem, and it also became a problem for Sponge Rubber
9 Products, because their bills were so astronomical that they
10 were put in position to say, "How can we find a way to save
11 moneys so as to operate within a profitable sphere?"

12 And water reclamation, I dare say, is not just a
13 usual thing, because our government today is spending millions,
14 and I say, yea, even billions of dollars in order to control and
15 conserve water, trees, and pure, live air. So that as time
16 follows time, we shouldn't all be stifled by the lack of
17 supply of water and pure water, and reprocessed water, and
18 forestries and rubbers, and clothes. This is all a reprocessing
19 position, and I dare say there is no one man -- and I don't
20 think Mr. Dorsey can say there is, or if he does say there
21 is, I assert -- I put him on challenge to state it to you ladies
22 and gentlemen that there's one man or one woman who has all
23 that knowledge in their hands.

24 Further subject came up in testimony and in the
25 address to you in summation by the U. S. Attorney. \$35,000

1 allegedly was handed to Reverend Bubar.

2 Well, to me, \$35,000 is like thirty-five million, but
3 to a person who is a member of the ministry and who goes around
4 helping people, and doesn't help one person, but helps many
5 people of all faiths and denominations and religions -- and
6 there is no barrier, because Reverend Bubar's house of worship
7 is nondenominational.

8 Now, let us be analytical, let us consider -- and I
9 am certain we're all people who are thinking -- would you
10 presume, as the government wishes you to presume, that \$35,000
11 allegedly given to Reverend Bubar could buy a man, whose
12 portrayal I have spent one and a half hours today to let you know
13 who Reverend Bubar is, not what the newspapers write him to be,
14 not what the magazines write him to be, not what the television
15 programs write him to be, or the radio, but who is he? The
16 personification of who he is is recited, as you will take it
17 into your jury room, in the book which he has printed, the
18 book that has a logo insignia of a fish, and that's the insignia
19 of Reverend Bubar's book. The fish -- significantly recites
20 the same followings of the fisherman that Jesus of Nazarene
21 sought when he was seeking his disciples. Please think about it.

22 Can we validly say, as Mr. Dorsey wants you to believe,
23 that Reverend Bubar could be bought for such a pittance of moneys,
24 especially in the position of which he's endeavoring to
25 substantiate, of the vastness of the claims that are involved.

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1
2 "To do that would be to presume upon your lack of
3 intelligence. I don't dare presume upon that, for I assert that
4 this jury is of great significant intelligence to be able to
5 separate the wheat from the chaff and the truth from the false-
6 hoods and the purity from the impurities.

7 Now let us step one moment forth. You'll notice that
8 Mr. Dorsey has made an effort, yesterday, to infer that
9 Reverend Bubar was a person who was constricted to do whatever
10 Mr. Moeller wanted him to do. That is so very far from the
11 truth that I don't even want to comment further about it.

12 Now, as to the \$35,000, you will recall there was
13 testimony adduced here that Reverend Bubar by reason of his
14 water reclamation saved the Sponge Rubber Products Company
15 approximately \$36,000 a year, and over the period of ten years
16 would have saved them 36,000 times ten. The best mathematician
17 in the world, I'm not, but, ladies and gentlemen, I offer it to
18 you for your consideration.

19 You know, it's so easy to paint a picture, depending
20 how you want the picture to come out. If I wanted to paint a
21 picture about myself, I could paint a picture, or an artist could,
22 that I'm wearing a black suit rightnow with a lavender shirt.
23 But as a matter of truth and fact, that is not so.

24 The government is endeavoring to paint the picture
25 of an untruth.

Reverend Bubar, as you noted and from what the testimony

1 has been throughout the entire proceedings, is that whatever
2 moneys Reverend Bubar ever got, he went around helping people.
3 He looked for no personal emollients, and I say that's a
4 wonderful characteristic of a person, religiously inclined,
5 spiritually injected, and honestly endeavoring to live their
6 lives.

7 Reverend Bubar, if the government had been able to
8 curry the fact that Reverend Bubar took moneys and did --
9 played the horses, for example, many people do, or gamble, or
10 was a philanderer, or was a person not of the spiritual knit that
11 he is, I assure you, ladies and gentlemen, that would have been
12 brought up not once, but so many times before this jury, and it
13 would have been self-evident.

14 But not one time has the government, with all their
15 power, all their investigative positions, with all the people
16 whom they have interviewed in Reverend Bubar's church and other-
17 wise, including those people that they told, "Don't talk to
18 Reverend Bubar" -- Reverend Bubar is still a free man in a free
19 country, and if we take away the right of free speech, I say
20 we've taken away also the right of a man, and if they've taken
21 away the right of privacy, they likewise have eroded America,
22 and that's part of the position that they've endeavored to do
23 with Reverend Bubar.

24 Now, as to the subject of prophecy -- and you will
25 note, because it became so apparent that every time the

1 United States Government said, "Bubar," I arose and interjected,
2 even at the risk of many things, "Reverend Bubar," and finally,
3 there had to be a concession, but, yet, yesterday, the U.S.
4 Attorney didn't even honor his original commitment to address the
5 defendant as Reverend Bubar.

6 Is that the position of endeavoring to color a
7 picture with a color or a paint that is not true? Think
8 about it, it's for you to evaluate.

9 Great moment was made by Miss Kordiak under questioning
10 of U.S. Attorney Dorsey, and I think it went like this -- and
11 if my recollection is wrong, your recollection counts, for mine
12 is not of importance, yours is, as to what the testimony was --
13 Miss Kordiak -- and she's a lovely lady -- "Miss Kordiak, did
14 Reverend Bubar ever tell you that the plant was going to burn?"

15 She said, "Yes," and she was very demure, and a very
16 wonderful lady, always had been and will be, and the inference
17 seemed to be that Reverend Bubar foretold this fire.

18 But, yet, the U.S. Attorney was aware -- and I don't
19 think he will challenge same, and if he wishes to, I shall be
20 honored to accept that challenge -- that there was a man by the
21 name of J. Bernard Ricks who almost a year before had prophesied
22 the fire. And you will note when J. Bernard Ricks was on the
23 stand yesterday, efforts were made to have J. Bernard Ricks to
24 disavow a 302 statement with regard to a fire.

25 Now, whomsoever was the interrogator at that time, you

1 will note that J. Bernard Ricks said, "That is not true." In
2 which they tried to say that he didn't state that there'd be a
3 fire, and merely that there would be a smokestack remaining.

4 You know what it takes for a man of courage who is
5 not knowledgeable as a witness on a stand, who is a man who
6 has tremendous background and prophecy, to be able to stand in
7 this courtroom and to say, "No, that isn't true, that's not
8 what I told the FBI"?

9 Ladies and gentlemen, you've never been interrogated
10 by the FBI. Think how you would have stood. And think whether
11 you would have that strength of position that J. Bernard Ricks
12 had when he said that the FBI reports were not true.

13 Now, think for a moment how many other persons have
14 taken this stand and was in such fear that whatever questions
15 or whatever statements appeared on a 302 report, which you ladies
16 and gentlemen heard so much about, that they'd be afraid to say,
17 "No, the FBI misquoted me." How many have? Think about it.
18 Very few.

19 You know what that word is called? Fear of the awesome
20 power of the government and the investigative positions of the
21 FBI.

22 Now, coming to that position, and to the word "prophecy",
23 as a full exhibit, Defendants' Exhibit 1156, introduced by me on
24 behalf of Reverend Bubar, is a 16-page printed document, wherein
25 Reverend Bubar claims and has recited same in the Volume 2,

1 Number 7, September, 1972, issue of the "Psychic Adventurer" on
2 pages 2 and 3, in which Reverend Bubar asserted that there was a
3 vision that he had approximately four days after the decease of
4 the late J. Edgar Hoover, the Director of the FBI, wherein he
5 spoke to, through a vision -- and those who are believers know
6 that there are these visions, for our Bible is replete and full
7 with visions -- in which Reverend Bubar recorded that which J.
8 Edgar Hoover told him.

9 I'm not going to focus on any specific position here,
10 except to say -- for I have made my commitment to the honored
11 Court that I should not repeat any subject which I've previously
12 gone into, and I am referring to anything that I've spoken in
13 the first hour and a half -- but if you will read and read
14 thoroughly when you do have this document in the jury room, and
15 if you will note on page 2 that which I promise the Court I shall
16 not relate, will be visible to you. And that, too, is a full
17 exhibit, will be offered to you in the jury room.

18 Now, the government was aware of all these documents,
19 for the government is the all-seeing, all-knowing investigative
20 power in America. Beyond that, I make no comment, it is for you,
21 ladies and gentlemen, to follow the thought which I just asserted.
22 Whether you follow it by reading documents, or however you do
23 it, that is your position, but suffice it to say that the govern-
24 ment was aware of this prediction, yea, and nay, not a prediction,
25 prophecy, by J. Bernard Ricks of this fire a year ago.

1 What was the purpose? Why was it withheld? Why was
2 Reverend Bubar put in position when all he endeavors to do is
3 to give succor, s-u-c-c-o-r, to people, to be made sucker,
4 s-u-c-k-e-r? It is for you to consider.

5 Now, J. Bernard Ricks was here, and I've been honored
6 to have him here, because he's been able to bring into focus
7 that which has been held away from your ladies and gentlemen,
8 and bear in mind, please, one thing: J. Bernard Ricks was
9 subpoenaed by the defendant and not at the cost of government
10 expense, in spite of the great burdens upon the defendant
11 Reverend Bubar.

12 Now, continuing further as to the statements made
13 in summation by the U.S. Attorney, in which he stated, to the
14 best of my recollection, or my hearing, that Reverend Bubar was
15 acting as a pawn in this case.

16 He forgot to enumerate to you, and he forgot, I'm sure,
17 inadvertently -- but, ladies and gentlemen, you heard the
18 evidence of Mike Festa, and when Mike Festa was recalled, and
19 not by me, but by an honored confrere of mine, it came to pass
20 in my query as to the subject of number two red, and how number
21 two red, of which Mike Festa was interested in, was packed, and
22 whether Mike Festa's operation in Aurora permitted him to store
23 number two red -- which is, as they say, a coloring agent that is
24 used in many different things, including footstuffs, clothes,
25 et cetera -- that in order to be able to protect number two red --

1 which turned out, amazingly, to be a very losing business venture
2 from which Reverend Bubar's interest would go specifically back
3 to the good work that he was doing in his church and his
4 religious work -- was packed and embodied in the same very
5 containers that the government is endeavoring to say that
6 Reverend Bubar allowed people into Plant No. 4.

7 But did the government ever make one effort to check
8 number two red -- and they have checked it, ladies and gentlemen
9 -- to find out if number two red was not packed in the same very
10 containers that is the subject here?

11 Ladies and gentlemen, that, too, was withheld from you.

12 Now I'm saying, bearing in mind that Reverend Bubar
13 was interested in number two red and the utilization of whatever
14 moneys were to be made was to go to the good work of his church,
15 for, as a matter of fact, he has nothing of value today, but
16 that number two red was what was supposed to have been stored
17 in Plant No. 4. They had -- they didn't know what to do with it.
18 They didn't know where to put it. And that number two red is
19 stored in the very identical barrels, containers, 50-gallon, or
20 whatever it was called, here, and verily, it was the understand-
21 ing when Reverend Bubar allowed anyone to come into those, that
22 he was of the opinion that these items were his number two red.

23 The government has not controverted that. The
24 government, everytime I mention the word "number two red" fled
25 from it and the discussion as if I had spoken of a plague

1 that was to be descended upon the government's case.

2 Now, on the subject the government has yesterday
3 mentioned to you, on the subject of alleged fingerprints -- and
4 they pointed with great honorarium to a box in which finger-
5 prints were allegedly found. The U.S. Attorney said it was found
6 in Reverend Bubar's car. That is not true.

7 It was found, if found at all -- if there was such
8 a thing, it never was Reverend Bubar's car. He didn't have his
9 car here. The big lie becomes a reality. Think about it.

10 Would you think and believe that the government would
11 come forth with a tale that this was found in Reverend Bubar's
12 car, or found that anything with fingerprints was in Reverend
13 Bubar's car? But I ask you a question. I ask the government
14 the same question. Was there any fingerprints of Reverend Bubar
15 in it? The answer is no, for if it had Reverend Bubar's
16 fingerprints in it, I know the government in its true vigilance
17 and diligence would have brought it forth. But they haven't.

18 But, yet, accusations are simple. Anyone can accuse
19 anyone in this great land. But under God, the truth comes out.
20 This is the truth.

21 When the government yesterday endeavored to, in its
22 consummation of its alleged strength of their case, referred to
23 certain amounts that were paid on subject of printing presses --
24 but they didn't say that word, they said anything that they
25 wanted to, for that was their turn to present to you.

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1 You will note, as you recall, and recall well, I trust,
2 that when I examined the special agent that they brought in from
3 Washington, D.C. of the FBI, as to any notations, other than
4 the notations or writings on a check, that the agent, after I
5 pressed, and I do press, sometimes strenuously -- and I asked
6 him, "Did you examine the handwriting on the right side, not on
7 the stub side, but the right side of the pages, or certain page?",
8 he said, "No, sir."

9 And I asked a further question: "Could you explain to
10 me your reason why you didn't?"

11 And his answer was, "I was never asked to by the U.S.
12 Attorney."

13 Query. The answer is with you.

14 If the government was as certain, wouldn't it have
15 been the likelihood that they would have asked their own
16 cooperating witness, government function of the FBI, to test
17 the handwriting? The opportunity was there. They had this
18 book for so many months, and I might relate they had this book
19 perhaps all the way back to March, 1975, when I was ordered to
20 produce it here together with Reverend Bubar. Think about it.

21 Query. Reason. Answer. Yours.

22 If they felt that it was the handwriting of the
23 Reverend Bubar. But they didn't do it.

24 It's very similar to many years ago, I saw, in a
25 certain place, as recited, a man swung a lantern about 25 times,

1 and the question was asked, "Well, was that lantern lit?"

2 And the answer by the great Chick Sales was, "They
3 never asked me to light it."

4 As to the car that Reverend Bubar had that day, it was
5 a car that he was just using. Couldn't it have been placed?
6 Couldn't this have been placed in the trunk of that car by anyone?
7 Question is mine; answer is for you to evaluate.

8 Now, here, in this court -- and the Court will
9 instruct you, as I not only alluded to, but did state, as to the
10 legal ramifications and the respected charges -- Reverend Bubar
11 is an acknowledged person all over the country.

12 If you will note, there were witnesses here from
13 California on the subject of printing and printing presses.
14 There were people here from Memphis, Tennessee on the subject
15 of printing and printing presses. There was a gentlemen that
16 came here at our own cost from Shreveport, Louisiana.

17 Reverend Bubar has lectured all over the country, in
18 fact, is known all over the world. Does that mean because he is
19 known all over the world that he should put himself in a dungeon
20 without a phone and speak to people who call upon him or seek
21 his knowledge or his guidance? For to do that makes America
22 Russia, and God forbid it should ever happen here. God forbid.
23 It could happen here. Think about it.

24 Now, the U.S. Attorney, yesterday, at great moment
25 in presenting their case, stated the word -- if but once, at

1 least 20 times -- the word "cover up". Cover up what? Everything
2 that they wanted to throw the burden upon Reverend Bubar, all
3 they had to say is the word, "Reverend Bubar, cover up."

4 Becomes synonymous. Interchange it. That interchangeability is
5 an invention of the U. S. Attorney's office.

6 What was he covering up? Nothing. Why the phraseology
7 of the word "cover up", not once, but at least 10, 15 or 20 times?

8 Well, I might say it might be the methodology or the
9 modus operandi of the United States Government in an endeavor to
10 implicate Reverend Bubar into something he knew nothing about.
11 That's for you to consider.

12 For right now I could be accused of many cover-ups.
13 Cover up what? You have to be an elected genius to fill in the
14 words "cover up", but the government doesn't, because the
15 government can make accusations at their will.

16 But the truth is in God's hands, not mine. The truth
17 is as you view it to be, not as I tell it to you.

18 The government is the power. The people have been
19 reduced to decimation.

20 The government cares not in this case one iota as to
21 the rights of any accused, and Reverend David Bubar, they have
22 only one purpose: the purpose of an endeavor, and the sole
23 endeavor, to convict anyone, innocent or no.

24 I assert it, I claim it, and I have no fear to make the
25 claim or make the assertion. Couldn't that claim be also made

1 about you fine people?

2 If you were any place, could you recall that each and
3 every time where you were, exact times that you were there,
4 what phone calls you had, who you spoke to, who called you,
5 what was said?

6 But let's analyze one thing. In all of the alleged
7 phone calls that was subscribed here to with graphs and
8 documentation, of charts and writings and color schemes and
9 elucidation of red means this and blue means that, has there
10 ever been any recorded tape recording, bugging, that produced
11 the voice of Reverend David Bubar?

12 If there was, why was it held back from you, ladies
13 and gentlemen? If there was, and it was held back from you,
14 it's a violation of the rights of an accused.

15 If there was, and a request was at any time desired
16 by the government to portray it on a tape recorder, I'm sure the
17 learned Court would have evaluated and made his independent,
18 judicious ruling. For this Court has never -- in all the weeks
19 that we've been here -- has never made one ruling to take away
20 the rights, constitutional rights, of any accused.

21 But the question is: has the government done so?
22 That's the question. That's for you to consider. Have the
23 government done so? Has the government have any motive with
24 the exception of the motive and desire for conviction? That,
25 likewise, is for you to analyze and for you to determine.

1 I know the hour is late. I know I have some more
2 time. I shall endeavor to use that time with the best method
3 of analyses that I am capable of as a dedicated counsel for
4 Reverend Bubar.

5 I might add that the discussion with reference to
6 Mr. Nixon is an exhibit, a full exhibit, which will likewise
7 come into the jury room for your evaluation.

8 Now, endeavoring to become specific in the remaining
9 time, and I shall, I ask you to consider that a man who had the
10 right -- and thank God, that right has never been taken away from
11 us, for it it had, I might have been powerless except by the
12 protections of the Constitution of the United States and this
13 great democracy and stand up and speak as I do, but if the
14 right of mobility is taken away from any one of you, or me, or
15 anyone else in America, then America will not stand; but, yet,
16 our forefathers have protected these rights, and I stand in
17 respect to these protections.

18 Ladies and gentlemen, it makes no difference where you
19 go, what you do, even how you think, under a free democracy; but
20 autocracy, which is endeavored to be perpetrated upon our nation
21 right now, it does make a difference.

22 So if any one of you ladies and gentlemen, while you
23 are in that jury room -- and this is your hallowed inner sanctum
24 that no one will invade, except God -- if you cannot respectfully
25 present your views, your analyses, your interpretation, your

1 feelings, your experiences as to the facts, yea, even unto the
2 direction of the charges that will be explained to you, the
3 charges to the jury, I say that everything that we have done here
4 is for naught, and under God, I trust, it never shall be for
5 naught.

6 Reverend Bubar has traveled all over. In fact, I have
7 traveled with him. Reverend Bubar has spoken to so many people
8 of all position, and in his presence, I have likewise. If I
9 thought for one moment that traveling with Reverend Bubar would
10 make me subject to accusations, I might think a second time,
11 but I relied upon the most significant thing we have: our
12 Constitution of the United States.

13 So whether Reverend Bubar went to Connecticut or to
14 Jesse James' hole in the wall in Cheyenne, Wyoming, it matters
15 not, that's his inherent right of mobility.

16 Now, as to Reverend Bubar's right to think as he will,
17 that is his inherent right, and if Reverend Bubar were to -- as
18 we leave the courtroom today, and as the learned Court goes
19 down the elevator, with proper amenity and respect -- if Reverend
20 Bubar says, "Good evening, Judge Newman," that's his right of
21 freedom, too, and that's my right of freedom, and that's your
22 right of freedom, the right to be able to go wherever you want
23 to while we have an America that's standing as distinguished from
24 all other countries.

25 Now, it is so simple to be accused of anything. I've

1 been accused of many things. I've been accused of changing
2 shoes. I've been accused of wearing certain white shoes on
3 certain days and certain black shoes on other days. And it's
4 true.

5 But if I had to tell you the reasons why I do things,
6 I would be -- you would be invading my right of privacy, and I
7 know no one would do it. But it could happen, couldn't it?
8 And if a person wanted to say he wears white shoes only on
9 certain days and for certain purposes, that, too, would be an
10 invasion.

11 I'm asking that all of these alleged charges that
12 are being made here, that Reverend Bubar had no knowledge of, but,
13 yet, charged with, who had no participation of, but charged
14 with the commission of certain alleged crimes. Ladies and
15 gentlemen, it could happen to you, it could happen to any one
16 of us.

17 We have to consider who is accusing, on one hand,
18 and who is being accused, on the other hand. Shall I be
19 accused because I have gray hair and a bald spot as distinguished
20 from someone who has his full hair and who has his own wave?
21 I must respect him or her or them, and they must respect my
22 rights as well, so long as we have a democracy.

23 Reverend Bubar, by the accusations that have been made
24 by the government, instead of tribute being paid to Reverend
25 Bubar for his good, kind work to help people, to give succor,

1 s-u-c-c-o-r, suddenly he's put in position that he is to be
2 considered by the government for the assertion of his respectful
3 rights as a s-u-c-k-e-r, to me, is an abominable effort of
4 methodology by the government.

5 Ladies and gentlemen, I want you to consider, and
6 consider well, do you think a person with sanity, in their right
7 mind, or better, yet, would you, if you knew this was going to
8 happen, would have been there, or would you have been maybe in
9 China, maybe in France, maybe in Italy, Rome, in the Vatican,
10 or would you have been there, if you knew?

11 Think about the words "if you knew". Remembering
12 well that Reverend Bubar has always done good for people, but
13 then I ask you the question. The question is summed up in my
14 devotions and my respect to you.

15 Who is being weighed here? There are two sets of
16 scales. Who is being weighed here? A man, John W. Shaw, a
17 pathological liar, coached with beauty and absolute finesse;
18 and Reverend Bubar, who has never harmed a soul in his life,
19 nor ever intended to, who has always helped the poor, has always
20 helped people, who has always given of himself beyond the call
21 of duty. Ask the thousands of people who have called the
22 Spiritual Outreach Society, and the phone number, and it was of
23 great moment here -- the phone number of 901-274-4300, or
24 901-274-7600. Who do you want to believe? Do you want to
25 believe someone who comes here with absolute impurities and

1 and contamination and wishes to contaminate this entire courtroom?
2 Or do you wish to believe a man who has only one purpose in
3 life: to serve God?

4 I ask one thing. I ask you to consider, and consider
5 well -- and I did state to the Court, and I have endeavored to
6 comply, that I did not and would not, continue beyond
7 propriety any of the matters which I had discussed in my first
8 hour and a half -- but I ask one thing: for the only thing
9 we're seeking here is the truth, and there's by one way to the
10 truth, ladies and gentlemen, and that truth is epitomized and
11 recorded in this book, the Bible.

12 In the First Chronicles: 16; 22, when the Heavenly
13 Father, as recorded, said to kings and queens and governments
14 and judges, "Touch not my annointed," please remember Reverend
15 Bubar is an annointed of the Master, and th re's but one ring
16 to the truth, and that truth is thataway, on high.

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No. 2 31 38

STATE OF CONNECTICUT

SUPERIOR COURT,

vs.

COUNTY OF FAIRFIELD (BRIDGEPORT).

DAVID BUBAR

OCTOBER 16, 1975.

FINDING ON MOTION TO REVIEW APPLICATION
OF RUDOLPH L. ZALOWITZ TO APPEAR PRO HAC VICE

FIRST: The following facts are found:

1. The petitioners are defendant and defendant's counsel Richard T. Meehan. The petition on behalf of Rudolph L. Zalowitz was filed by Connecticut counsel, Richard T. Meehan, who had previously entered his general appearance for the defendant.

2. Mr. Zalowitz was admitted to the New Jersey bar in 1938 and is a member in good standing.

3. Mr. Zalowitz has never appeared in the state courts of Connecticut in the capacity of an out-of-state attorney.

FILED

OCT 23 1975

SUPERIOR COURT
BRIDGEPORT

4. The defendant consulted with Attorney Zalowitz in relation to the allegations of the pending information several days after March 1, 1975, the date that the defendant is alleged to have committed the crimes charged in the pending information.

5. Attorney Zalowitz accompanied the defendant to Connecticut at the request of the FBI and the state police on at least two occasions.

6. Attorney Zalowitz appeared with the defendant in court proceedings in the District Court of Connecticut as counsel of record on March 12, 1975, April 9, 1975, April 11, 1975, and June 12, 1975.

7. At best, Attorney Zalowitz has had very limited trial experience in the Superior Court of New Jersey.

8. Prior to March 1, 1975, Attorney Zalowitz had never represented Mr. Bubar as trial counsel anywhere.

9. Attorney Zalowitz claimed that the defendant would come to see him "every several months when [defendant] came to New York on his lecture tours."

10. On these occasions Attorney Zalowitz claimed the defendant would ask for certain advice on civil matters, none of which related to this case, but Attorney Zalowitz refused to specify beyond this broad general statement.

11. Attorney Zalowitz refused to indicate any details showing he had acquired a specialized skill or knowledge with respect to this client's affairs important to the trial of the cause which he had acquired prior to the present case, nor has he shown other good cause.

12. The defendant expressed his desire to have Attorney Zalowitz appear as co-counsel in this case.

13. The defendant retained Attorney Meehan through Attorney Zalowitz to represent him in this case, and approved of Mr. Meehan's representation.

14. Attorney Zalowitz testified that he had tried five to ten criminal cases to a conclusion in the Superior Court of New Jersey during the past five years, but when pressed by the court to produce the names of them and given a weekend to gather the information, he was able to name only two or possibly three that could be considered as having been tried to a conclusion. Obviously his answer to the court's question as originally given was inflated and inaccurate.

15. Exhibits 1 and 2 may be used on review but Exhibit 2 does not show cases that were actually tried to completion except possibly for two or three.

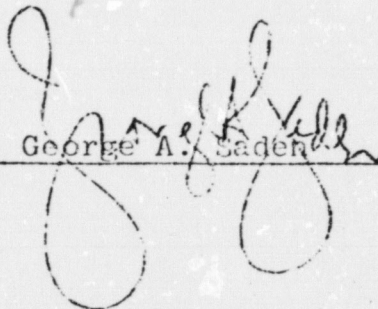
SECOND: The court ruled as follows on the application:

16. Attorney Zalowitz was granted permission to appear as counsel subject to certain limitations set forth in the court's memorandum of decision dated and filed June 30, 1975.

THIRD:

17. The present motion for review was filed late and should, therefore, be dismissed.

18. The court's decision was filed June 30, 1975. The motion to review was not filed until September 22, 1975, and no intervening steps were taken by the petitioners to indicate any intention of filing for review as required by the Practice Act.


_____, J.

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

No. 1140

UNITED STATES OF AMERICA,
Plaintiff-Appelle,

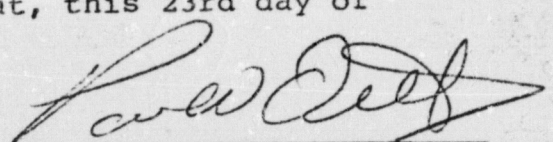
VS.

DAVID N. BUBAR, et al,
Defendants-Appellants.

CERTIFICATION

This is to certify that I have this day caused to be mailed by first class mail, postage prepaid, one copy of the brief and supplemental appendix of David N. Bubar to each of the following: Peter C. Dorsey, United States Attorney (together with a copy of Supplemental Exhibits), P.O. Box 1824, 141 Church Street, New Haven, Connecticut 06511; Andrew B. Bowman, Esq., 770 Chapel Street, New Haven, Connecticut 06510; Gregory B. Craig, Esq., 30 South Street, Middlebury, Vermont 05753; Alan Neigher, Esq., 855 Main Street, Bridgeport, Connecticut 06604; J. Daniel Saragin, Esq., 855 Main Street, Bridgeport, Connecticut 06604; Igor I. Sikorsky, Jr., Esq., 111 Pearl Street, Hartford, Connecticut 06103; Rudolph Lion Zalowitz, Esq., 213 Ross Avenue, Hackensack, New Jersey 07601; and David N. Bubar, 40225, Box PMB, Atlanta, Georgia 30315.

Dated at Hartford, Connecticut, this 23rd day of
September, 1976.


Paul W. Orth
Attorney for David N. Bubar

